



RAVALLI COUNTY ATTORNEY

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TO: Regina Plettenberg

CC: Commissioners ✓

FROM: Alex Beal, Deputy

AB

DATE: October 23, 2007

RE: First American Title mortgage parcel question

RECEIVED

OCT 23 2007

Ravalli County Commissioners

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You have forwarded me the question from Peggy Turner of First American Title, regarding the legal opinion of Colleen Dowdall that mortgage surveys automatically created separate, transferable parcels of land. It is the opinion of this office that Ms. Dowdall's opinion is incorrect and should not be followed. Her quotes from the 1988 Attorney General's Opinion are, at best, taken out of context. There, the situation involved a parcel of land that had been foreclosed upon, and the county did not want to allow the bank to be able to sell the parcel without further subdivision review. The "subsequent sale" talked of in that opinion is a sale subsequent to the foreclosure. The rule for these cases is simple: no foreclosure, no new parcels.

I am advising you that the legal descriptions are not acceptable for transfer and should be rejected.